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CALIFORNIA VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD

OPEN MEETING MINUTES

OCTOBER 24, 2003

10:00 A.M.

630 “K” STREET

FIRST FLOOR HEARING ROOM

SACRAMENTO, CALIFORNIA

The California Victim Compensation and Government Claims Board convened its regular session at the call of Jacqueline R. Wilson, Deputy Director, Interagency Support Services, Department of General Services, acting for William J. Jefferds, Director of the Department of General Services, who was present, at the First Floor Hearing Room, 630 “K” Street, Sacramento, California, on Friday, October 24, 2003, at 10:00 a.m. Present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller and David Rosenberg, Senior Advisor to the Governor, Board Member. Jackie Wilson presided as chairperson for the October 24, 2003, meeting.

The Board meeting commenced with the pledge of allegiance, with David Rosenberg leading the pledge. Ms. Wilson and Dr. Jefferds thanked Mr. Rosenberg for his service to the Board and to the victims of California and presented him with a plaque in appreciation of his public service.

Board staff present included Catherine Close, Interim Executive Officer; Judith Kopec, Supervising Staff Counsel; Steve Hall, Manager, and Donnel Toppila, Analyst, Government Claims Program. Also in the audience were Pete Williams, DEO, Victim Compensation Program; Carol Fieldhouse, DEO, Administration; and David Shaw, DEO, Revenue Recovery and Appeals Division. Sandy Davidson, Acting Board Liaison, recorded the meeting.

EXECUTIVE OFFICER’S REPORT

Ms. Close discussed the restitution fund condition and the budget update. Steve Hall reported that the cost containment measures instituted by the Board will allow the Board to close the fiscal year with a prudent reserve in the Restitution Fund. The Executive Officer’s report is attached for further information on these subjects.

GOVERNMENT CLAIMS PROGRAM

The Board commenced the Government Claims portion of the meeting at 10:25 a.m.

Item 1 **CLAIMANT: Wally Ghamraoui** **G531729**

The Board voted to adopt the claims examiner’s recommendation.

Item 2 **CLAIMANT: Diane Imrem** **G532767**

After discussion the Board voted to adopt the claims examiner’s recommendation.

Item 3 Jennifer Shaffer, Director of Legislation, presented the **“Per Diem Rates for Members of the State Legislature”**. Windie Scott requested clarification from staff that the Board has the statutory discretion to set per diem rates at least as high as the rate paid to federal employees but it does not have the

discretion to establish a lower rate. After review and discussion of the item, the Board adopted the attached staff recommendation.

Item⁴ Staff presented the “**Requests for Discharge from Accountability for Uncollectible Accounts**” and after discussion, the Board voted to adopt the staff recommendation.

OTHER BUSINESS

Item⁵ The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda dated October 16, 2003, with the following changes:

Claimant: David Hacker **G537092**

The claimant provided additional information and requested his claim be continued.

Claimant: Randall Meadors **G537402**

The claimant provided additional information and requested his late claim application be continued for further consideration.

Claimant: Mark Alan Gottlieb **G539979**

The claimant submitted additional information and requested his claim be continued.

Claimant: Run Peter Chhoun **G539985**

Staff requested this claim be continued and assigned to a claims examiner since the claim directly involves the Government Claims Program.

Claimant: Jose Ayala **G534688**

The claimant appeared before the Board and presented information to allow his claim. However, after discussion, the Board members voted to reject this claim, due to complex issues of fact and law.

Claimant: Pat Woods **G537838**

Claimant appeared before the Board and presented information regarding her claim. After extensive discussion, the Board voted to have a claims examiner handle the claim and directed the claimant to advise the Government Claims Program if she wished to proceed with the claims examiner process.

A.	Total claims awarded on consent	618	
	To be paid under GC § 965	30	\$ 33,165.56
	To be paid under claims bill	66	\$124,762.50
B.	Claims rejected on consent	522	

The Government Claims hearing was adjourned at 11:00 a.m.

BID PROTESTS

Item⁶ Judith Kopec, Supervising Staff Counsel, presented the “**Proposed Dismissal Without Further Hearing of the Protest of the Invitation for Bid No. 679418 of Washex Machinery**”. The Board voted to adopt the staff recommendation to dismiss the protest without further hearing.

Item⁷ Judith Kopec, Supervising Staff Counsel, presented the “**Proposed Dismissal Without Further Hearing of the Protest of the Invitation for Bid No. 691914 of George & Goldberg Design**”.

Associates”. The Board voted to adopt the staff recommendation to dismiss the protest without further hearing.

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 11:07 a.m.

CLOSED EXECUTIVE SESSION (GC § 11126(c)(3))

Pursuant to Government Code section 11126(c)(3), the Board members adjourned into a closed Executive Session with the Board’s Supervising Staff Counsel at 11:08 a.m., to deliberate on the proposed decisions that were taken under submission during the meeting.

The Board reconvened into an open session at 11:15 a.m.

PROPOSED DECISIONS

Item 1 **CLAIMANT** **187270V**

The Board voted to adopt the proposed decision.

Item 2 **CLAIMANT** **560336V**

The Board voted to adopt the proposed decision.

Item 3 **CLAIMANT** **602479V**

The Board voted to adopt the proposed decision.

Item 4 **CLAIMANT** **650616V**

The Board voted to adopt the proposed decision.

Item 5A **CLAIMANT** **713156V**

The Board voted to adopt the proposed decision.

Item 5B **CLAIMANT** **713158V**

The Board voted to adopt the proposed decision.

Item 5C **CLAIMANT** **713160V**

The Board voted to adopt the proposed decision.

Item 6A **CLAIMANT** **715325V**

The Board voted to adopt the proposed decision.

Item 6B **CLAIMANT** **715326V**

The Board voted to adopt the proposed decision.

Item 7 **CLAIMANT** **722013V**

The Board voted to adopt the proposed decision.

Item 8 **CLAIMANT** **727699V**

The Board voted to adopt the proposed decision.

Item 9 **CLAIMANT** **727940V**

The Board voted to adopt the proposed decision.

Item 10 CLAIMANT 728130V

the Board voted to adopt the proposed decision.

Item 11 CLAIMANT 730752V

The Board voted to adopt the proposed decision.

Item 12 CLAIMANT 731494V

The Board voted to adopt the proposed decision.

Item 13 CLAIMANT 736915V

The Board voted to adopt the proposed decision.

Item 14A CLAIMANT 741638V

The Board voted to adopt the proposed decision.

Item 14B CLAIMANT 741634V

The Board voted to adopt the proposed decision.

Item 15 CLAIMANT 742245V

The Board voted to adopt the proposed decision.

Item 16 CLAIMANT 745554V

The Board voted to adopt the proposed decision.

Item 17 CLAIMANT 746663V

The Board voted to adopt the proposed decision.

Item 18 CLAIMANT 747955V

The Board voted to adopt the proposed decision.

Item 19 CLAIMANT 749371V

The Board voted to adopt the proposed decision.

Item 20 CLAIMANT 755841V

The Board voted to adopt the proposed decision.

Item 21 CLAIMANT 756061V

The Board voted to adopt the proposed decision.

Item 22 CLAIMANT 763117V

The Board voted to adopt the proposed decision.

Item 23A CLAIMANT 765113V

The Board voted to adopt the proposed decision.

Item 23B CLAIMANT 765120V

The Board voted to adopt the proposed decision.

Item 23C CLAIMANT 765123V

The Board voted to adopt the proposed decision.

Item 24 **CLAIMANT** **765279V**

The Board voted to adopt the proposed decision.

Item 25 **CLAIMANT** **770047V**

The Board voted to adopt the proposed decision.

REQUESTS FOR RECONSIDERATION

The Board voted to adopt the staff recommendations to deny the following requests for reconsiderations.

26. CLAIMANT	760685V
27. CLAIMANT	761189V
28. CLAIMANT	684353V
29. CLAIMANT	727920V
30. CLAIMANT	748872V
31. CLAIMANT	765958V
32. CLAIMANT	750822V
33. CLAIMANT	767917V
34. CLAIMANT	769728V
35. CLAIMANT	666268V
36. CLAIMANT	718848V
37. CLAIMANT	767888V
38. CLAIMANT	778279V
39. CLAIMANT	733130V
40. CLAIMANT	744687V
41. CLAIMANT	722731V
42. CLAIMANT	498226V
43. CLAIMANT	733022V
44. CLAIMANT	724622V
45^A CLAIMANT	689801V
45^B CLAIMANT	689802V
46. CLAIMANT	665266V
47. CLAIMANT	769263V
48. CLAIMANT	254104V
49. CLAIMANT	765160V

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn and took action on claims for which a hearing was denied under the California Code of Regulations, title 2, section 647.20.1, claim numbers 50 through 79.

Judith Kopec, Supervising Staff Counsel, presented two Precedent Decisions before the Board, in the Matter of the Application of Hanna S., No. 679418 and in the Matter of the Application of Debbie D., No. 691914. After discussion, the Board voted to adopt the two Precedent Decisions.

MISCELLANEOUS ITEMS

There was no further business except to confirm that the next board meeting would be on November 21, 2003.

The meeting was adjourned at 11:20 a.m.

CATHERINE A. CLOSE
Interim Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of _____ at _____, California.

Date: _____ By: _____
Sally Gill
Board Liaison

(Affix seal here)